



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/679,689	10/07/2003	Ernst B. Riemann	0002792.0002	3566

7590 11/30/2006
Milton S. Gerstein
Much Shelist Freed
Suite 1800
191 N. Wacker Drive
Chicago, IL 60606

EXAMINER

NGUYEN, TOAN D

ART UNIT	PAPER NUMBER
2616	

DATE MAILED: 11/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/679,689

Applicant(s)

RIEMANN ET AL.

Examiner

Toan D. Nguyen

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-30 and 32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23-30 and 32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Allowable Subject Matter

1. The indicated allowability of claims 23-30 and 32 are withdrawn in view of the newly discovered reference(s) to Corley et al. (US 5,838,683), Chau et al. (US 5,550,906) and Balzano et al. Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 23-28, and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Corley et al. (US 5,838,683).

For claim 23, Corley et al. disclose distributed interactive multimedia system architecture comprising:

a first connection coupled to said telephony network (figure 1, reference 160) and adapted to receive telephony signals therefrom and output telephony signals thereto (col. 20 line 55 to col. 21 line 2);

a second connection coupled to said computer data network (figure 1, reference 137) and adapted to receive data packets therefrom and output data packets thereto (col. 20 lines 25-33);

a digital signal processor (figure 3, reference 350) coupled to receive signals from said first connection and output signals thereto, wherein said digital signal processor detects events in said signals received from said first connection, wherein said events comprise at least one of caller ID, DTMF, call progress, and other forms of telephony signaling, and further wherein said digital signal processor provides outputs indicative of said detected events (col. 24 lines 38-51);

a synchronous-to-asynchronous converter (figure 3, reference ATM interface) that receives signals from said first connection and provides an asynchronous output therefrom (col. 24 lines 32-37); and

a control processor (figure 3, reference 310) that receives said outputs from said digital signal processor (figure 3, reference 350) indicative of detected events (figure 3, col. 24 lines 52-54), and wherein said control processor outputs control messages over said data network to a call manager program (figure 1, reference 190, col. 21 lines 21-35) installed on said data network, wherein said control messages are indicative of said events detected by said digital signal processor (col. 24 lines 38-51), and further wherein said control processor (figure 3, reference 310) is also coupled to said synchronous-to-asynchronous converter (figure 3, reference ATM interface) for outputting asynchronous media streams over said data network via said second connection (col. 24 lines 32-37).

For claim 24, Corley et al. disclose wherein said digital signal processor generates and receives multiple data streams (col. 24 lines 39-51).

For claim 25, Corley et al. disclose wherein said network is an ATM network (figure 1, reference 137, col. 20 lines 25-33).

For claim 26, Corley et al. disclose whereto said network is an ethernet network (col. 5, see Table V).

For claim 27, Corley et al. disclose wherein said network is a cells in frames ethernet network (col. 5, see Table V).

For claim 28, Corley et al. disclose wherein said network is an internet protocol over ATM network (col. 6 lines 46-52).

For claim 30, Corley et al. disclose wherein said computer data network also carries computer data traffic (figure 1, references 125 and 135, col. 20 line 14, and col. 20 line 31).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

Art Unit: 2616

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Corley et al. (US 5,838,683) in view of Chau et al. (US 5,550,906).

For claim 29, Corley et al. do not expressly disclose wherein said network is an internet protocol over an ethernet network. In an analogous art, Chau et al. disclose wherein said network is an internet protocol over an ethernet network (col. 1 lines 19-27).

One skilled in the art would have recognized the wherein said network is an internet protocol over an ethernet network, and would have applied Chau et al.'s data communications systems in Corley et al.'s interactive multimedia system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use Chau et al.'s telecommunications feature server in Corley et al.'s distributed interactive multimedia system architecture with the motivation being to offer users various transport mechanisms, and protocols (col. 1 lines 19-27).

7. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Corley et al. (US 5,838,683) in view of Balzano et al. (US 5,239,544).

For claim 32, Corley et al. do not expressly disclose wherein said synchronous-to-asynchronous converter uses first-in-first-out buffering. In an analogous art, Balzano et al. disclose wherein said synchronous-to-asynchronous converter uses first-in-first-out buffering (figure 1, reference FIFO PACKET MEMORY M, col. 2 lines 53-60).

One skilled in the art would have recognized the wherein said synchronous-to-asynchronous converter uses first-in-first-out buffering, and would have applied Balzano et al.'s synchronous/asynchronous converter in Corley et al.'s interactive multimedia system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use Balzano et al.'s converter for interconnecting an asynchronous telecommunication network and a synchronous network in Corley et al.'s distributed interactive multimedia system architecture with the motivation being to provide the synchronous-to-asynchronous converter uses first-in-first-out buffering (col. 2 lines 53-60).

Response to Arguments

8. Applicant's arguments with respect to claims 23-30, and 32 have been considered but are moot in view of the new ground(s) of rejection.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan D. Nguyen whose telephone number is 571-272-3153. The examiner can normally be reached on M-F (7:00AM-4:30PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2616

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TN
TN



HUY D. VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600